

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:20-cr-00020-MR-WCM**

UNITED STATES OF AMERICA,
)
)
Plaintiff,
)
)
vs.
)
)
(1) LESLIE CARTWRIGHT,
(2) BRIAN MAJERCIK,
)
Defendants.

)

ORDER

THIS MATTER is before the Court on the Defendant Leslie Cartwright's Unopposed Motion to Continue Jury Trial and Request for Additional Time to File Pretrial Motions [Doc. 20] and the Defendant Brian Majercik's Unopposed Motion to Join Motion to Continue [Doc. 21].

On February 19, 2020, Defendants Leslie Cartwright and Brian Majercik (collectively “Defendants”) were each charged in a Bill of Indictment with one count of knowingly and intentionally possessing with intent to distribute a quantity of methamphetamine and a quantity of marijuana, in violation of 21 U.S.C. § 841(a)(1). [Doc. 1]. On March 2, 2020, the Defendant Leslie Cartwright’s arraignment was held, at which time the Magistrate Judge calendared the case for the May 4, 2020 trial term. On March 6, 2020, the

Defendant Brian Majercik's arraignment was held, at which time the Magistrate Judge calendared the case for the May 4, 2020 trial term. On April 3, 2020, pursuant to the COVID-19 Administrative Order Regarding Criminal Jury Trials and Other Matters [Miscellaneous Case No. 3:20-mc-00048-FDW, Doc. 4], the Court continued the case to its current setting during the June 29, 2020 trial term.

The Defendants now seek a continuance of the trial date. [Docs. 20, 21]. Among other grounds, counsel state that additional time is needed to review discovery materials and to further investigate the case. Counsel also state additional time is needed to comprehensively confer with the Defendants, as well as engage in plea negotiations with the Government. Counsel further represent that the Government does not oppose the requested continuances. [Docs. 20, 21].

The Court finds that the case should be continued. As noted above, the Defendants state that more time is needed to review discovery and to further investigate the case, as well as to comprehensively confer with Defendants. If the requested continuances were not granted, the Court finds that counsel would be denied "the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(7)(B)(iv).

Additionally, without the requested continuances, counsel would not have the ability to engage in meaningful plea negotiations, which would result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(B)(i). For the reasons stated herein, with respect to the motions to continue, the ends of justice served by the granting of the continuances outweigh the best interests of the public and the Defendants in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

With respect to the Defendant Leslie Cartwright's unopposed motion requesting an extension of the pretrial motions deadline, the Court finds for the reasons stated in the motion, and for good cause shown, sufficient grounds to grant a thirty (30) day extension of the pretrial motions deadline.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant Leslie Cartwright's Unopposed Motion to Continue Jury Trial and Request for Additional Time to File Pretrial Motions [Doc. 20] and the Defendant Brian Majercik's Unopposed Motion to Join Motion to Continue [Doc. 21] are **GRANTED**, and the above-captioned Defendants are hereby **CONTINUED** from the June 29, 2020 trial term in the Asheville Division.

IT IS FURTHER ORDERED that the Defendant Leslie Cartwright's deadline for filing pretrial motions is hereby **EXTENDED** to **July 13, 2020**.

IT IS SO ORDERED.

Signed: June 17, 2020



Martin Reidinger
Chief United States District Judge